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FM AMEMBASSY KINSHASA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7707  
INFO RUEHZJ/HUMAN RIGHTS COMMISSION COLLECTIVE  
RUEHXR/RWANDA COLLECTIVE  
RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE  
RUZEJAA/JAC MOLESWORTH RAF MOLESWORTH UK  
RHMFISS/HQ USEUCOM VAIHINGEN GE  
RHEFDIA/DIA WASHDC  
RUEAIIA/CIA WASHDC

C O N F I D E N T I A L KINSHASA 000281

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E.O. 12958: DECL: 03/21/2018

TAGS: [PHUM](#) [PREL](#) [PGOV](#) [UN](#) [CG](#)

SUBJECT: MBUSA SKEPTICAL ON RENEWAL OF MANDATE FOR UN HUMAN RIGHTS INDEPENDENT EXPERT

REF: A. STATE 25700

[1](#)B. KINSHASA 275

[1](#)C. STATE 13331

[1](#)D. KINSHASA 178

Classified By: A/DCM D. Brown for reasons 1.4 (b/d)

1.(C) Summary: Foreign Minister Mbusa Nyamwisi deflected a follow-up demarche by the Ambassador March 18 for renewal of the mandate of UN Human Rights Council Independent Expert Titinga Frederic Pacere. Mbusa expressed dismay at Pacere's criticism of the DRC, and opposition to extending his mandate. He appeared receptive to the Ambassador's argument that failure of the mandate could result in the creation of an even less predictable mechanism. However, he strongly implied that President Kabila's anger at Pacere would prevent any DRC support for a new mandate. End Summary.

[1](#)2. (C) Ambassador delivered a follow-up demarche to Foreign Minister Mbusa Nyamwisi March 18 on renewal of the mandate of UN Human Rights Council Independent Expert on the DRC Titinga Frederic Pacere (refs A, B). The Ambassador was accompanied by A/DCM and PolOff (notetaker); three Mbusa aides also sat in.

[1](#)3. (C) Embassy's initial demarche, delivered by PolOff February 19 (refs C, D), had received a negative response from International Organizations Director Oscar Matondo, who cited infrequent visits of Titinga to DRC, the existence of similar mechanisms in other UN institutions present in the DRC, and an abundance of criticism and lack of solutions in the Independent Expert's reports.

[1](#)4. (C) With Mbusa, we emphasized that DRC support for a renewal of the Expert's mandate would send a strong signal of commitment to human rights, and asked if the DRC would consider an extension incorporating a changed mandate reflecting a greater focus on technical assistance. Mbusa said he had received similar messages from the Belgian Prime Minister and the UK and Italian Ambassadors, but cited a generally negative tone to Pacere's reports. He complained about what he described as false accusations against himself and a lack of constructive proposals by the Independent Expert. He said the DRC would most likely not support an extension of the mandate nor of Pacere as Independent Expert.

[1](#)5. (C) The Ambassador pointed out that if the DRC did not support the mandate, the international community might end up imposing a different mechanism with a less predictable agenda and objectives. Mbusa appeared receptive to this argument,

and responded favorably to Ambassador,s proposal of a possible delay of the vote in Geneva to enable further discussion of possibly retaining the mandate with amendments.

6.(C) Mbusa said the president was the final authority on the question, implying strongly that Pacere's reports had angered Kabila. He said he would raise the issue at the presidency. He was not optimistic of a change in position, but acknowledged the possibility of DRC support for a modified mandate and replacement of Pacere.

7.(C) Comment: Mbusa and Kabila remain allies of convenience. Whether he is prepared to risk political capital to raise the issue with the president remains an open question. End Comment.  
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